
Chapter 82 School Bus Driver Fitness Determination

05 Department of Education

071 Commissioner of Education

Chapter 82 School Bus Driver Fitness Determination

Summary: These regulations provide the criteria for the Commissioner of Education to certify to the Secretary of State that school bus drivers have met the medical requirements to operate a school bus.

SECTION 1. PURPOSE

1. The purpose of this rule is to certify bus driver fitness and provide a process to determine that school bus drivers are healthy enough to safely perform the demanding job of a school bus driver and keep our State's roads safe.

SECTION 2. DEFINITIONS

1. Commercial motor vehicle is defined by 29-A M.R.S. § 101(17).
2. School bus is defined by 29-A M.R.S. § 2301(5).
3. School bus operator, also known as school bus driver, is defined by 29-A M.R.S. § 2303.

SECTION 3. MINIMUM SCHOOL BUS DRIVER REQUIREMENTS

1. Employed licensed school bus drivers shall pass an annual school bus medical examination and submit a current and complete copy of their annual physical exam report to their employer.
2. School bus drivers shall be examined by a licensed medical examiner registered with the U.S. Department of Transportation (DOT) Federal Motor Carrier Safety Administration (FMCSA) National Registry of Certified Medical Examiners. A list of local Certified

Medical Examiners is available on the U.S. DOT FMCSA National Registry of Certified Medical Examiners website.

3. School bus driver medical examinations shall be conducted using the most current U.S. DOT FMCSA Medical Examination Report Form (also known as the “U.S. DOT physical exam”). The most current form and instructions are located on the U.S. DOT FMCSA website.
 - A. Maine school bus driver medical examination reports are valid for one year from the date of completion even though the federal exam report form states that the exam is valid for two years.
 - B. School bus driver physical examination reports shall be completed within three months of submittal to an employer or the Bureau of Motor Vehicles.
4. School bus drivers shall provide evidence that they passed a criminal history record check.
 - A. School bus drivers shall provide a copy of their criminal history record check (CHRC) approval card to their employer when employed and to the Maine Bureau of Motor Vehicles when applying for a new commercial motor vehicle license.

SECTION 4. COST OF SCHOOL BUS DRIVER MEDICAL EXAMINATIONS

1. The employer shall pay the cost of annual school bus driver medical examinations.

SECTION 5. MINIMUM MEDICAL EXAMINER REQUIREMENTS

1. Medical examiners shall be registered with the U.S. DOT FMCSA National Registry of Certified Medical Examiners to conduct school bus driver medical examinations. A list of local Certified Medical Examiners is available on the U.S. DOT FMCSA National Registry of Certified Medical Examiners website.
2. Medical examiners shall record school bus driver medical examination results and answer all questions on the most current U.S. DOT FMCSA Medical Examination Report Form (also known as the “U.S. DOT physical exam”). The most current form and instructions are located on the U.S. DOT FMCSA website.
3. When medical examiners require direction on driver medical qualifications they shall refer to the current U.S. DOT FMCSA regulations for Commercial Motor Vehicle driver

physical qualifications. Qualifications for different medical conditions are available on the U.S. DOT FMCSA website.

4. Medical examiners may issue a medical examiner's certificate for less than 12 months if they determine that it is necessary to monitor a medical condition.
5. Medical examiners shall furnish a copy of the medical exam results to the person who was examined.
6. In Maine a school bus driver medical examination is valid for one year even though the federal medical examination is valid for two years.
7. The medical examination shall have been conducted within three months of report to the Bureau of Motor Vehicles when a driver is a first time applicant for a school bus driver CMV license and to employers when a driver is employed as a school bus driver. The report shall be complete.

SECTION 6. RECORDS THAT CERTIFY BUS DRIVER FITNESS FOR DUTY

1. A complete written record of the FMCSA Medical Examination Report Form signed by a licensed medical examiner that is registered with the U.S. DOT FMCSA National Registry of Certified Medical Examiners certifies to the Secretary of State that the driver meets the medical requirements to operate a school bus.
2. A complete criminal history record check confirmed by the Maine Department of Education Certification Office certifies to the Secretary of State that a school bus driver applicant meets moral requirements to operate a school bus.
3. Employer annual school bus driver Medical Examination Reports certify that employed school bus drivers meet annual medical requirements for 29-A M.R.S. § 2303(1)(C).
4. Employer annual training records provide certification that employed school bus drivers meet minimum annual school bus driver training requirements for 29-A M.R.S. § 2303(1)(C) and Code of Maine Regulations (05-071 CMR Chapter 81).

SECTION 7. RECORDS RETENTION

1. School bus drivers shall file a complete and accurate copy of their Medical Examination Report with their employer annually and carry a valid copy of their medical card (also known as a "DOT medical card").

2. Employers of school bus drivers shall maintain confidential current and complete copies of annual school bus driver Medical Examination Reports and present these documents to the Department for review, upon request, along with a statement of compliance for each school bus driver.

STATUTORY AUTHORITY: 29-A M.R.S. § 2311 and 20-A M.R.S. § 5401(17)